

Jason S. Takenouchi (CBN 234835)

Kasowitz Benson Torres LLP

101 California Street, Suite 3000

San Francisco, California 94111

Telephone: (415) 421-6140

Fax: (415) 398-5030

jtakenouchi@kasowitz.com

Marc E. Kasowitz (*pro hac vice forthcoming*)

Christine A. Montenegro (*pro hac vice forthcoming*)

Kasowitz Benson Torres LLP

1633 Broadway

New York, New York 10019

Telephone: (212) 506-1700

Fax: (212) 506-1800

mkasowitz@kasowitz.com

cmontenegro@kasowitz.com

Attorneys for Plaintiff MLW Media LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MLW MEDIA LLC,

Plaintiff,

v.

WORLD WRESTLING
ENTERTAINMENT, INC.,

Defendant.

) CASE NO. 3:22-cv-00179

)
) **PLAINTIFF'S ADMINISTRATIVE**
) **MOTION TO SEAL PORTIONS OF THE**
) **COMPLAINT**

) **Pursuant to Local Rules 7-11 and 79-5**

) Action Filed: January 11, 2022

**PLAINTIFF'S ADMINISTRATIVE MOTION TO SEAL PORTIONS OF THE
COMPLAINT**

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT pursuant to the Northern District of California’s Civil Local Rules 7-11 and 79-5(d), and this Court’s ECF guidance, and upon the attached points and authorities, the accompanying Declaration of Sarah Z. Bauer (“Bauer Declaration”), and the attached exhibits, Plaintiff MLW Media LLC (“MLW”) hereby moves for relief to file its Complaint [Dkt. No. 1] partially under seal (“Motion”).

Specifically, MLW respectfully requests that this Court seal portions of paragraphs 7, 39, 40, 43, 54, and 56 of the Complaint, which contain confidential trade secret or otherwise protectable business information. MLW’s request is narrowly tailored via redaction to seal only those portions of MLW’s Complaint that contain confidential information reflecting the sensitive terms of an agreement between MLW and a non-party to this action or discussions held with non-parties to this action which fall under confidentiality agreements. Attached as Exhibits 1 and 2, respectively, are a proposed redacted version of the Complaint to be filed publicly and an unredacted version of the Complaint with highlighting reflecting MLW’s proposed redactions, which will be lodged under seal.

MOTION

Courts generally apply a “compelling reasons” standard when considering motions to seal documents. *Bunsow De Mory LLP v. N. Forty Consulting LLC*, 2020 WL 7872199, at *1 (N.D. Cal. Sept. 21, 2020); *Exeltis USA Inc. v. First Databank, Inc.*, 2020 WL 2838812, at *1 (N.D. Cal. June 1, 2020). Under Local Rule 79-5, the party seeking to file under seal must submit a request that is “narrowly tailored” and “that establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under law.” *Id.* Courts have found that “[c]onfidential business information” in the form of “license agreements, financial terms, details of confidential licensing negotiations, and business strategies” satisfies the “compelling reasons” standard. *Bunsow*, 2020 WL 7872199, at *1 (collecting cases).

These and other compelling reasons support MLW’s Motion. As detailed in the Bauer

1 Declaration (“Bauer Decl.”), the portions of the Complaint that MLW seeks to redact reflect
2 sensitive commercial, trade secret, and other competitive information that is confidential to MLW
3 and non-parties to this action. As in *Bunsow*, such information includes the terms of “license
4 agreements, financial terms, details of confidential licensing negotiations, and business strategies.”
5 *Id.* at *3 (granting motion to seal portions of complaint).

6 MLW incorporates such confidential information into certain paragraphs of its Complaint to
7 state its claims that WWE has, *inter alia*, intentionally interfered with MLW’s contractual relations.
8 Absent inclusion of such confidential information, MLW would be prejudiced in pleading its claims
9 under the relevant pleading standards.

10 Furthermore, MLW seeks to redact a minimum amount of information necessary to state its
11 claims and to protect trade secret information that derives independent value from being kept secret,
12 and for which MLW and others have engaged in reasonable efforts to maintain secrecy. Reflecting
13 both its competitive value and these efforts, this information is the subject of agreed-upon
14 confidentiality provisions to prevent unnecessary disclosure. MLW has also sought but did not
15 obtain consent to disclose this information, further underscoring its sensitive nature. (Bauer Decl. ¶
16 5.) Thus, there is no less restrictive alternative to this Motion.

17 If this information is made public, competitors could gain insight into MLW and third-
18 parties’ business models and strategies and thereby gain an unfair competitive, negotiating, or other
19 advantage over them. (Bauer Decl. ¶¶ 3-4.) *See In re Qualcomm Litig.*, 2017 WL 5176922, at *2
20 (S.D. Cal. Nov. 8, 2017) (observing that sealing is warranted to prevent competitors from “gaining
21 insight into the parties’ business model and strategy”). This information is therefore protectable
22 under the compelling reasons standard. *See Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d
23 1092, 1097 (9th Cir. 2016) (noting “business information that might harm a litigant’s competitive
24 standing” satisfies compelling reasons standard). Additionally, sealing the requested portions of the
25 Complaint ensures MLW’s compliance with its contractual confidentiality obligations. (Bauer
26 Decl. ¶¶ 2-5.)

Wherefore, MLW respectfully requests that this Court grant its Motion and enter an order sealing the redacted portions of paragraphs 7, 39, 40, 43, 54, and 56 of the Complaint.

Dated: January 11, 2022

Respectfully submitted,

/s/ Jason S. Takenouchi

Jason S. Takenouchi (CBN 234835)

Kasowitz Benson Torres LLP

101 California Street, Suite 3000

San Francisco, California 94111

Telephone: (415) 421-6140

Fax: (415) 398-5030

jtakenouchi@kasowitz.com

Marc E. Kasowitz (*pro hac vice forthcoming*)

Christine A. Montenegro (*pro hac vice forthcoming*)

Kasowitz Benson Torres LLP

1633 Broadway

New York, New York 10019

Telephone: (212) 506-1700

Fax: (212) 506-1800

mkasowitz@kasowitz.com

cmontenegro@kasowitz.com

Attorneys for Plaintiff MLW Media LLC

DECLARATION PURSUANT TO LOCAL RULE 7-11(A)

I, **JASON S. TAKENOUCHI**, hereby declare:

1. I am a member of the Bar of the State of California and a partner with the law firm Kasowitz Benson Torres LLP, counsel for Plaintiff MLW Media LLC. I submit this declaration in accordance with Northern District of California Local Rule 7-11(a). I have personal knowledge of the matters stated herein unless otherwise indicated and, if called upon, I could and would testify competently to the facts contained in this Declaration.

2. No stipulation could be obtained with regard to Plaintiff's Administrative Motion to Seal Portions of the Complaint because this filing opens a new action.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on January 11, 2022 in San Francisco, California.

/s/ Jason S. Takenouchi
Jason S. Takenouchi